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PLEASE NOTE OUR NEW MAILING ADDRESS AND OFFICE LOCATION

September 6, 2022

Via ECF Filing System
Honorable Jessica S. Allen, U.S.D.M.
United States District Court, District of New Jersey
Martin Luther King Building & US Courthouse
50 Walnut Street
Newark, NJ 07101

Re: East Brunswick Township Bd. of Ed. v. D.S. and M.S. o/b/o A.S.
Case No.: 2:21-cv-08279 (BRM-TJB) – **SCHEDULING LETTER**

Dear Judge Allen:

This office represents the Defendants/Counterclaimants in the above referenced action. Defendants submitted two letters to the Court, both of which were dated April 8, 2022 [ECF Docs. 49 and 50] regarding enforcing Judge Crowley's Order dated January 5, 2021, and scheduling motions for summary judgment before the Federal Court. Plaintiff's last docket entry was a letter to the Court dated January 10, 2022 [ECF Doc. 45], which was unrelated to these issues. Plaintiff's counsel has not responded to Defendants' counsel's correspondences dated April 8, 2022, July 25, 2022, August 5, 2022, and September 1, 2022. Therefore, in accordance with this Court's directive, Defendants are submitting a status update and a proposed schedule for briefing said motions for summary judgment.

A.S. was supposed to attend the Lewis School of Princeton through to the end of the year in which she turned age 21 and the district had been Ordered to pay for said placement including transportation. However, A.S. was accepted to High Point University's summer remediation program, which she successfully completed. Therefore, she has now been officially accepted into the University as a Freshman student and she is starting her first year there. That means that the school

district is no longer obligated to pay for her to attend the Lewis School or to provide her transportation for the 2022-2023 school year. Thus, the remaining issues in this case are the 50 hours of compensatory education and how those hours are to be translated into a dollar amount so that A.S. can use that money toward the cost of the special education program at High Point University, reimbursement of expert fees and costs to Defendants, and attorney's fees from the Defendants prevailing in the due process action. Due to the denial of the Plaintiff's request for a stay and Judge Martinotti's Order, all other money and reimbursements have been paid. No further discovery is needed or has been requested. Plaintiff's appeal is still pending, which is now ripe for summary judgment motions to be filed to address all of these issues. However, in the interim, since no stay was granted, Defendants assert that Plaintiff is not in compliance with ALJ Crowley and Judge Martinotti's Orders regarding the provision of the 50 hours of compensatory education as per above.

Defendants propose the following briefing schedule for the motions:

1. Both parties shall file their respective motions for summary judgment using the modified de novo review standard by October 24, 2022.
2. Opposition briefs shall be filed by November 23, 2022.
3. Reply briefs shall be filed by December 14, 2022.

Thank you for your time and attention to this matter.

Respectfully Submitted,

By: /s/ Julie Warshaw, Esq.
Julie Warshaw, Esq.

cc: Jodi Howlett, Esq. (Via Email and ECF)
D.S. and M.S. (Via Email)